

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN JAMES LESTER,)
Plaintiff,) 4:03cv3301
vs.) MEMORANDUM AND ORDER
JOE YOCUM, et al.,)
Defendants.)

This matter is before the court on filing nos. 153 and 154, letters from the plaintiff, Brian James Lester, inquiring whether he may reopen the above-entitled case or whether he must file a new case. In filing no. 154, the plaintiff adds that if a new case is necessary, he will need the appropriate forms.

The plaintiff voluntarily dismissed this case (filing no. 143) after it became apparent that the burdens imposed by the Prison Litigation Reform Act would be difficult to overcome while he remains a prisoner. On the other hand, the plaintiff is aware that he must be mindful of the four-year statute of limitations. Thus, in answer to the plaintiff's inquiries, he is not permitted to reopen this case. However, the Clerk of Court will send him the appropriate forms.

THEREFORE, IT IS ORDERED:

1. That filing no. 153, the plaintiff's Motion to Reopen, is denied;
2. That filing no. 154, the plaintiff's Motion to Reopen and for Forms, is granted in part and denied in part in that the plaintiff may not reopen this case, but the Clerk of Court shall send the plaintiff a standard form for a civil complaint and a form for an Application to Proceed In Forma Pauperis.

September 15, 2006.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge